United States Court of Appeals

for the Second Circuit

APPELLANT'S BRIEF

75-7343
74-4577

ORIGINAL

To be argued by
STEVEN DIJOSEPH

United States Court of Appeals

FOR THE SECOND CIRCUIT

CLARENCE O. GOKAY, JR., an infant by his mother DOROTHY GOKAY, individually,

Plaintiff-Appellee,

—against—

MARC ANTHONY'S INC. d/b/a MARC ANTONIO'S RESTAURANT,

Defendant-Appellant.

On Appeal from the United States District Court for the Southern District of New York.

BRIEF OF DEFENDANT-APPELLANT

BOWER & GARDNER
Attorneys for Defendant-Appellant
415 Madison Avenue
New York, N.Y. 10017
(212) 751-2900

STEVEN DIJOSEPH
THOMAS R. NEWMAN
CLIFFORD A. BARTLETT, JR.
Of Counsel

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Preliminary Statement

This is a personal injury action, in which the infant plaintiff's left hand was injured when it was caught in a Hobart machine* belonging to the defendant.

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* A motorized piece of equipment used in commercial kitchens to grind and otherwise crush meats and vegetables.

The jury, after a trial in the United States District Court for the Southern District of New York before Hon. William C. Conner, U.S.D.J., awarded plaintiff $150,000 on his claim that he was injured while working in the kitchen of defendant restaurant with the knowledge and acquiescence of Mr. Di Marcantonio.

Issues Presented

Under Pennsylvania law an illegally employed minor who is injured while working is limited to whatever recovery he may be awarded under the Pennsylvania Workmen's Compensation Law unless he and the employer previously agree to reject the provisions of that Law. In this case plaintiff did not so reject the provisions of the Workmen's Compensation Law and therefore both he and his parents are precluded from maintaining a civil suit for damages.

1. Was plaintiff precluded from bringing the instant action since his theory was and the proof established and the jury found that he was injured while working in the defendant's restaurant and the applicable Pennsylvania Law provides that in such a case plaintiff's sole remedy is workmen's compensation?

We submit that he was so precluded.

2. Did the court below erroneously charge that if plaintiff was "permitted to work" in defendant's restaurant with the knowledge of Mr. Di Marcantonio and the injury was caused as a result of the work plaintiff was doing then defendant's liability is absolute under the Pennsylvania child labor laws?

We submit that it did so err.

3. Did the court's charge on §672 of the Pennsylvania Workmen's Compensation Law violate the provisions of Amendment XIV of the Constitution of the United States relating to "the equal protection of the laws"?

We submit that it did so violate said Amendment.

The Relevant Facts

The accident

On June 17, 1973, the infant plaintiff, Clarence Gokay, Jr., accompanied his father, Clarence, and brother, Thomas, to Marc Antonio's Restaurant located in Milford, Pennsylvania (74-75, 224).* It was at this establishment that plaintiff's father was employed as a chef (78, 104-105).

Plaintiff alleged that he began to mow the lawn belonging to the restaurant as he had done several times before (85-86, 111, 148-149, 227) and upon completing that job entered the restaurant to see what other work there was for him to do (228).

He was then told to clean out the refrigerator (228), a job that he had admittedly done before (74, 225) and he proceeded to do so (76, 125, 228).

While plaintiff was cleaning out the refrigerator he "went up to the bathroom first, and then I was walking down to get a soda" (229). As plaintiff passed the Hobart machine he allegedly slipped (229) on pieces of tomatoes which were being ground by Thomas Gokay (75, 153) and which made the floor slippery (122). Plaintiff was

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* Numbers in parentheses represent original page numbers of trial transcript.

aware of the presence of the tomato residue on the floor but chose to walk directly through it (240-241).

As plaintiff fell he "tried to grab for the machine, and my hand went in, went in the hole in [the] top of the machine" (229) and "[w]hile I was off balance, I pulled my hand out" (229). The only account of how the accident occurred was offered by the infant plaintiff himself.

The evidence offered by plaintiff that he regularly worked in defendant restaurant

Throughout the trial, plaintiff consistently alleged and offered evidence to prove that he worked on a regular basis at Marc Antonio's Restaurant for cash remuneration and with the full knowledge and approval of Anthony Di Marcantonio, the president of defendant corporation.

Plaintiff himself established and the jury, by its verdict, clearly agreed that plaintiff was working for defendant corporation and was injured while engaged in such work.

Thomas Gokay, plaintiff's brother, testified that plaintiff helped out at Marc Antonio's Restaurant on several occasions (72, 74, 83-86). Plaintiff washed pots and dishes, cleaned out the refrigerators and mowed the lawn (74, 83-86) with the acquiescence of Mr. Di Marcantonio (74).

Plaintiff's father testified that plaintiff "would mow the lawns, and stuff like that. Then he would come in the kitchen. He worked around the kitchen, get stuff for me, go to the store rooms, if he need—worked, cleaned out iceboxes, stuff like that. Whatever was around there to do, he would be helping out" (111). On the "numer-

ous" (112) occasions that plaintiff workd in the restaurant he was paid in cash by Mr. Di Marcantonio (112).

According to plaintiff's father Mr. Di Marcantonio had no objection to plaintiff working in the kitchen "as long as he didn't operate the machines, or anything like that" (112).

Plaintiff himself testified that he had worked in the kitchen of Marc Antonio's Restaurant on several occasions (224-225) and had filled cream puffs, "[w]ashed pots, cleaned out the refrigerators, peeled vegetables" (225). He was paid in cash for all of the work he had done at the restaurant by Mr. Di Marcantonio (226).

Plaintiff also stated that Mr. Di Marcantonio saw him working in the kitchen on the prior occasions and specifically on June 17, 1973 (225-227).

Plaintiff's mother also attested to the fact that plaintiff worked in the restaurant "quite a few" times and was paid in cash for his labors (206). She even recalled having a conversation with Mr. Di Marcantonio prior to the accident concerning plaintiff's working at the restaurant (207).

Plaintiff's theory of liability offered at trial

The vague claim of negligence alleged in plaintiff's pleadings* was completely abandoned at trial. Once the

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* The complaint, as well as the interrogatories never indicated any cause of action other than common negligence in allowing an unspecified dangerous condition to exist. The record indicates at pages 239-243 that plaintiff was guilty of obvious contributory negligence. Thus, defendant was never aware of plaintiff's strategy to rest his case solely on the Workmen's Compensation and Child Labor Laws of Pennsylvania and had no reason to rely on any statutory defense until plaintiff unexpectedly changed the theory of the case. See the court's language at 303.

proceedings commenced, plaintiff's counsel directed all of his efforts to proving that plaintiff was injured while working for defendant and that those injuries were directly related to the work plaintiff was doing.

Not only was plaintiff's counsel content to let the case go to the jury on the statutory law of Pennsylvania (253, 294), but he openly waived any negligence cause of action he may have had and confined the theory of his case specifically to the Child Labor Law of Pennsylvania (278).

Thus, what is before this Court is a cause of action wherein the plaintiff has chosen to seek recovery on a specific theory of liability which, as we will demonstrate, is absolutely prohibited under Pennsylvania law.

Defendant was never aware of the entirely new theory of plaintiff's case until the trial had commenced. Thus, it was for good reason that defendant moved to amend its answer to include the defense of Workmen's Compensation as plaintiff's exclusive remedy and a bar to this action.

The court below granted the motion (303) and noted: ". . . it would be unfair to deny to the defendant the right to amend its answer to assert that affirmative defense" (271). "There was no reason for him to plead the workmen's compensation defense until the plaintiffs asserted that the infant was an employee" (273). "You didn't say it in your complaint. You didn't say 'employee' until well into this case . . ." (275).*

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* No prejudice to the plaintiff resulted since plaintiff never once attempted to prove a cause of action in negligence which the court indicated was still available to him (275), and plaintiff's counsel absolutely refused a mistrial when it was proposed by the court (276).

The issue submitted to the jury

The case was submitted to the jury in the form of three written questions (the third, concerning damages is not in dispute here). As to the questions No. 1 and No. 2 the court charged what it believed to be the applicable and correct statutory law of Pennslyvania dealing with cases involving illegally employed minors. The questions presented were:

1. Was Clarence Gokay, Jr. an employee of Marcantonio's Restaurant on June 17, 1973?
2. Was Clarence Gokay, Jr. injured as a proximate result of working in or about Marcantonio's Restaurant with the knowledge and acquiescence of Mr. Di Marcantonio at the time of the accident on June 17, 1973?

The jury's verdict

The jury found that Clarence Gokay, Jr. was injured as a proximate result of working in or about Marc Antonio's Restaurant with the knowledge and acquiescence of Mr. Di Marcantonio on June 17, 1973 (385-86).

While the jury found that plaintiff was not employed by defendant he had nevertheless been "permitted to work" in the restaurant on the day he was injured.

Post verdict motion by defendant for judgment n.o.v.

After the jury rendered its verdict the defendant made a motion for judgment n.o.v. which the court denied (388).

Defendant had previously made a motion for a directed verdict at the close of the entire case (268).

Applicable Pennsylvania Statutes

The record clearly indicates that both the plaintiff (253) and defendant (251) as well as the court (284) agreed that the law of Pennsylvania should be applied to the facts of this case.*

Title 77 §22 Workmen's Compensation

In relevant part:

> "§22. 'Employe' defined
>
> The term 'employe', as used in this act is declared to be synonymous with servant, and includes—
>
> All natural persons who perform services for another for a valuable consideration, exclusive of persons whose employment is casual in character and not in the regular course of the business of the employer . . ."

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* The court below went beyond the concessions of the parties and researched the point before rendering its decision (284). The court noted that since the law of New York is substantially the same as Pennsylvania in the area of applying Workmen's Compensation statutes to illegally employed minors (citing *Warney* v. *Board of Education*, 290 N.Y. 329 [1943]) and that a thorough "interest analysis" as mandated by *Tooker* v. *Lopez*, 24 N.Y.2d 569 (1969), indicated that: ". . . it appears that New York State has no interest in the application of its laws in preference to those of Pennsylvania. I therefore will apply the laws of Pennsylvania, the situs where the employment occurred and where the accident occurred" (283-84).

Title 77 §421 Workmen's Compensation

"§421. Injuries to minors

The right to receive compensation under this act shall not be affected by the fact that a minor is employed or is permitted to be employed in violation of the laws of this Commonwealth relating to the employment of minors, or that he obtained his employment by misrepresenting his age."

Title 77 §672 Workmen's Compensation

"§672. Minor under eighteen illegally employed; additional compensation; possession of employment certificate; age certificate; election to be bound by act

(a) If the employe at the time of the injury is a minor, under the age of eighteen years, employed or permitted to work in violation of any provision of the laws of this Commonwealth relating to minors of such age, compensation, either in the case of injury or death of such employe, shall be one hundred and fifty per centum of the amount that would be payable to such minor if legally employed. The amount by which such compensation shall exceed that provided for in case of legal employment may be referred to as 'additional compensation.'"

POINT I

Since plaintiff's theory was and the proof established and the jury found that he was injured while working in defendant's restaurant, the applicable Pennsylvania law bars this action and provides plaintiff with an exclusive remedy under Workmen's Compensation.

Plaintiff's entire case was predicated on the fact that he was working for defendant when he was injured. The record is replete with testimony offered by plaintiff's own witnesses that plaintiff worked for defendant on several occasions and was paid for his work in cash by Mr. Di Marcantonio (72, 74, 83-86, 111, 112, 224-25, 226, 206).

In his summation, counsel for plaintiff stated at least *thirty-seven* times that plaintiff worked for defendant and asked the jury to so find. The summation contained statements such as:

> "What we are talking about is only the fact that he was there, only the fact that he was working there, and that's the only thing that's important in this case. The only thing that's important to this case is that you had a 12-year-old boy working in or about or near or in this machine. That's the only thing important in this case" (324-25).
>
> * * *
>
> "The only thing important to this case was the fact that he was working in or about the restaurant, working in or about the restaurant, working in or about the restaurant, working in or about the restaurant" (325).
>
> * * *

> "I don't think there is anyone in this courtroom who denied the fact that he was working there. I don't even think Mr. Di Marcantonio could deny the fact that he was working there" (332).
>
> * * *
>
> "That's why [defendant's] attorney, in his summation, er ls up admitting that [plaintiff] worked there, because if he didn't, he would look like a fool in front of you in terms of whether or not the boy worked there. Very important he worked there" (332).

It is evident that plaintiff's counsel was emphatically demanding that the jury find that plaintiff was working for defendant on the date of the accident. Nothing could be clearer.

The jury, by its verdict, found that, in fact, plaintiff was "injured as a proximate result of working in or about Marc Antonio's Ristorante with the knowledge and acquiesence of Mr. Di Marcantonio at the time of the accident on June 17, 1973" (385-86). In fact, the jury did not find that plaintiff was in the restaurant for any other reason but to work there.

We submit that while the jury correctly found that plaintiff was working for defendant on the day of the accident it improperly held defendant liable for damages of $150,000 when in fact the verdict should have been for the defendant under Workmen's Compensation Law §672.

The law of Pennsylvania is absolute that:

> ". . . an illegally employed minor could not, . . ., maintain an action at law against his employer upon a cause of action based upon an injury sustained in the course of employment, where neither he nor the employer had rejected article 3 of the

> Workmen's Compensation Act. It was there definitely stated (p. 388) that 'The conclusion is inescapable that illegally employed minors are not, with the single exception of the amount recoverable in the case of injury or death, to be placed in a category separate and apart from minors lawfully employed. They fall within, and are bound by, the general provisions of the [Workmen's Compensation] Act'" (*Lengyel* v. *Bohrer,* 372 Pa. 531, 535-36 [1953], citing with approval, *Fritsch* v. *Pennsylvania Golf Club,* 355 Pa. 384, 388 [1947]).

Also see: *Evans* v. *Allentown Portland Cement Co.,* 433 Pa. 595 (1969); *Santucci* v. *Frank,* 356 Pa. 54 (1947); *Zeitz* v. *Zurich Gen. Acc. & Liab. Ins. Co.,* 165 Pa. Super. 295 (1949); *Ferretti* v. *Hodin,* 60 D. C. 157 (Cty. Ct. Pa. 1947); Title 77 § 672 Pennsylvania Workmen's Compensation Law.

In this case the plaintiff never established that he rejected the provisions of the Workmen's Compensation Act prior to the accident nor did he deny working for defendant. Accordingly this civil suit for damages cannot be brought by plaintiff or his parents against defendant.

The applicable Pennsylvania cases mandating dismissal of this action

The following Pennsylvania cases are, we submit, dispositive of the issues in the case at bar and mandate a reversal of the judgment and a dismissal of the complaint.

1. *Fritsch* v. *Pennsylvania Golf Club,* 355 Pa. 384 (1947):

Plaintiff: Fourteen years old

Employment: Illegal

Job: Groundskeeper

Injury: Thrown from tractor while working, seriously and permanently injured.

In affirming the judgment for defendant the court stated: "There has been no indication, expressed or implied, of a legislative intent to provide either alternative or concurrent remedies in the case of injury to, or death of, illegally employed minors. An action at law can be maintained only when pursuant to provisions of section 302(a) either party has duly rejected the Act by the required written notice given by or to the parent or guardian of the minor. Admittedly, this was not done in the instant case" (355 Pa. at 384).

2. *Santucci* v. *Frank,* 356 Pa. 54 (1947):

Plaintiff: Sixteen years old

Employment: Illegal

Job: Baker

Injury: Finger from left hand amputated by pretzel machine while plaintiff was working.

The verdict for defendant was affirmed with the court citing the *Fritsch* case with approval (356 Pa. at 55).

3. *Lengyel* v. *Bohrer,* 372 Pa. 531 (1953):

Plaintiff: Fourteen years old

Employment: Illegal

Job: Worked power-driven cut-off saw in lumber mill.

Injury: Left hand severely injured when entangled in saw while working.

The judgment for defendant was affirmed on the basis of the decision in *Fritsch.*

4. *Zeitz* v. *Zurich Gen. Acc. & Liab. Ins. Co.,* 165 Pa. Super. 295 (1949):

Plaintiff: Minor

Employment: Illegal

Job: Baker

Injury: Injured while working.

The court recognized that "in Pennsylvania, an illegally employed minor is restricted to relief under the Workmen's Compensation Act" (165 Pa. Super. 300).

POINT II

The Workmen's Compensation law of Pennsylvania encompasses all situations where a minor is injured while working and therefore a violation of any child labor law in no way creates a cause of action for damages.

Plaintiff's counsel erroneously asserted on several occasions during summation that the law of Pennsylvania provided that if plaintiff was working for defendant in violation of the child labor laws then liability was absolute no matter how the accident occurred and regardless of the provisions of the Workmen's Compensation law (324, 326, 328, 332, 333-34, 336, 337).* Counsel continually stated

* It is significent that plaintiff's counsel was sternly admonished for instructing the jury on the law during his summation (376).

that if plaintiff was employed in violation of the child labor laws "that's the ballgame" (326 [twice], 333, 336) were grossly improper as well as total misstatements of the law.

The courts of Pennsylvania have uniformly rejected the argument made by plaintiff and incorrectly charged as the law by the court below that if plaintiff were found not to be a regular employee but was only working for defendant with his knowledge and in violation of the child labor laws then liability is absolute and the Workmen's Compensation law does not apply. In *Lengyel* v. *Bohrer,* 372 Pa. 531 (1953), the court stated at 536:

> "What plaintiffs now contend is that, while the employment in the *Fritsch* case was illegal because the minor had not obtained a working certificate nor had the employer requested one, in the present case the employment was illegal because of the more serious fact that the minor was put to work on a dangerous machine in violation of the statute; it is argued that this distinction was intended by the legislature to be read into the Acts of 1931 and 1939, as shown more particularly by the fact that in the latter act the additional compensation provided in the case of illegal employment was reduced to 110 percentum of the amount otherwise payable, which would seem wholly inadequate as a penalty if intended to apply where, as here, the illegality arose by reason of the employment of the minor in a dangerous and prohibited occupation. If there be any merit in this contention it is one that must be directed to the legislature. The 1931 Act, as above stated, makes the additional compensation payable 'if the employee at the time of the accident is a minor, under the age of eighteen years, employed or permitted to work in violation

> of *any* provision of the laws of this Commonwealth relating to minors of such age'. It is clear, therefore, that no distinction is made in the statutes, nor intimated in the *Fritsch* case, such as that contended for by plaintiff, any more than it was made in the decisions of this court prior to the enactment of these amendatory acts." (emphasis added).

Similarly, in *Evans* v. *Allentown Portland Cement Co.*, 433 Pa. 595 (1969), the court held at 598:

> "The obvious intent of the amendments was to give the minor a *quid pro quo* in the form of additional compensation but prohibit any common law action.
>
> The minor is thus treated just like the adult, with the exception of the additional amount recoverable. With regard to adults, we have often held, most recently in Hyzy v. Pittsburgh Coal Co., 384 Pa. 316, 121 A.2d 85 (1956), that even where neglect of a statutory duty is alleged, the employee's only remedy is under the Workmen's Compensation Act."

The statutory rejection of plaintiff's argument and the court's charge is also unequivocal (Title 77 § 421 Workmen's Compensation Law of Pennsylvania).

POINT III

The court below erroneously charged (357-60, 367-68, 372) that if plaintiff was "permitted to work" in defendant's restaurant with the knowledge of Mr. Di Marcantonio and the injury was caused as a result of the work plaintiff was doing then defendant's liability is absolute under the Pennsylvania child labor laws.

The court below improperly charged the provisions of the child labor law

We have already established in Point II herein that the Workmen's Compensation Law of Pennsylvania encompasses all cases involving illegally employed minors. This is true regardless of any violation of even the strictest provisions of the child labor laws. See, Title 77 §§ 471, 672 Pennsylvania Workmen's Compensation Law; *Evans* v. *Allentown Portland Cement Co.,* 433 Pa. 595 (1969); *Lengyel* v. *Bohrer,* 372 Pa. 531 (1953); *Fritsch* v. *Pennsylvania Golf Club,* 355 Pa. 384 (1947).

For the court below to have charged otherwise on at least three separate occasions was clearly reversible error which led to an incorrect verdict which cast the defendant in a role of being absolutely liable for plaintiff's injuries merely because plaintiff was "permitted to work" in the restaurant. The law of Pennsylvania is clearly and precisely the opposite. The child labor laws of Pennsylvania are inapplicable to the facts of this case and should not have been charged at all.*

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* Counsel for defendant took timely exception this this portion of the charge (304).

The trial court's charge imputed an unreasonable and illogical meaning to §672 of the Pennsylvania Workmen's Compensation Law

Section 672 of Pennsylvania's Workmen's Compensation Law clearly stated that the term employe (sic) includes any minor who is either employed *or* permitted to work in violation of *any* provision of the laws of Pennsylvania. The court below charged however that only if the jury found plaintiff to be an "employee" would recovery be barred by the Workmen's Compensation Law. The court then improperly charged the jury that if plaintiff was "permitted to work" by defendant the child labor law applied and in that event there was absolute liability on the part of the defendant.

The jury by its verdict found that plaintiff was "working" for defendant when he was injured but that he was not an "employee". This is precisely the situation provided for in § 672 and Workmen's Compensation is then the exclusive remedy. The verdicts as such, are therefore inconsistent.

The court's charge imputed an unreasonable and illogical meaning to § 672 by implying that the statute created two classes of illegally employed minors* of which one would be allowed to sue in a civil action while the other would be relegated to a claim for Workmen's Compensation.**

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* A theory already rejected by Pennsylvania's highest court in *Lengyel* v. *Bohrer*, 372 Pa. 531 (1953); *Evans* v. *Allentown Portland Cement Co.*, 433 Pa. 595 (1969).

** This interpretation of the law would produce anomalous and unreasonable results. For example: if two brothers, both minors,

(Footnote continued on following page)

The highest court of Pennsylvania has consistently ruled that an unreasonable or absurd construction of a statutory provision which creates anomalous or unjust results is violative of the fundamental rules of statutory construction and interpretation. *Finance Co. of Pa.* v. *Board of Finance & Revenue,* 433 Pa. 549 (1969); *Seburn* v. *Luzerne & Carbon County Mtr. Trans. Co.,* 394 Pa. 577 (1959); *Sherwood* v. *Elgart,* 383 Pa. 110 (1956); *Sculley* v. *City of Philadelphia,* 381 Pa. 1 (1955); *Petition for Alteration of Lines of Indiana and Shaler Tps.,* 373 Pa. 319 (1953); § 1922 P.C.L.

Clearly, if plaintiff was "working" for defendant, § 672 limits his remedy to Workmen's Compensation. In *Workmen's Compensation Appeal Board* v. *Piccolino,* 341 A.2d 922 (Comm. Ct. Pa. 1975), a case most similar to the one at bar, the court in holding that the infant was an employee, stated at 923-25:

> "The sole issue in this appeal is whether Piccolino was an 'employee' . . . Piccolino was thirteen years of age . . . Piccolino did receive money regularly from Seppi . . . Seppi, in his brief, indicates that Piccolino worked a total of 22 days on various of Seppi's landscapping and gardening jobs. . . .
>
> "The fact that Piccolino and Seppi may not have explicitly agreed upon a wage, and the fact that Piccolino's work arrangements may have been of an informal nature, in all probability only reflect

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(Footnote continued from preceding page)

were working for the same employer and one was a true employee (i.e. paid by check with taxes withheld etc.) while the other was "permitted to work" (i.e. paid in cash, off the books etc.) and both were injured doing the same work and at precisely the same instant, one could sue the employer for damages while his brother could only recover under Workmen's Compensation.

> Piccolino's tender years and lack of sophistication. As a matter of law, these facts do not negate status as an 'employe'.
>
> • • •
>
> "Likewise, we have held that the fact that an *employer* did not consider a claimant an employee or deduct income taxes or social security contributions from wages is not determinative of a claimant's status.

The charge of the court below relating to §672 of the Pennsylvania Workmen's Compensation Law was violative of Amendment XIV of the Constitution of the United States

In creating two classes of infants, one covered by § 672 and one not so covered, the court below imputed a meaning to said section which violates Amendment XIV of the Constitution of the United States in that it denies "the equal protection of the laws" to persons similarly situated. *Sims* v. *Rives,* 84 F.2d 871, cert. d 298 U.S. 682 (1936); *Joseph S. Finch & Co.* v. *McKittrick,* 23 F. Supp. 244, affd. 305 US 395 (1938).

Not only is the law of Pennsylvania clearly to the contrary but the case law is to the effect that where a statute can be given two constructions, one of which will render it constitutional and the other unconstitutional, the former construction must be invoked. *Pittsburgh Coal Co.* v. *Sanitary Water Bd.,* 4 Pa. Cmwlth. 407 (1972), revd. on other grds. 452 Pa. 77, appeal dism. 415 U.S. 903 (1974); *Com.* v. *Saxon,* 219 Pa. Super. 64 (1971); *Philadelphia Life Ins. Co.* v. *Com.,* 93 Dauph. 385, affd. 454 Pa. 157 (1971); § 1922 P.C.L.

CONCLUSION

The judgment appealed from should be reversed and the complaint dismissed.

Dated: August 20, 1976

Respectfully submitted,

BOWER & GARDNER
Attorneys for Defendant-Appellant

STEVEN DIJOSEPH
THOMAS R. NEWMAN
CLIFFORD A. BARTLETT, JR.
Of Counsel

Services of three (3) copies of
the within Brief is
hereby admitted this 26th day
of August, 1974

Leopold, Kapelsohn, Sullivan & Waldeck
Attorney for R.L.F. Appl. Leopold, et al